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8 *Attorneys for Defendants Sheryl Foster,
Patrick Vejar, and Jo Gentry*

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12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**

14 ELIZABETH CARLEY,

15 Plaintiff,

16 v.

17 JO GENTRY, *et al.*,

18 Defendants.

Case No. 2:17-cv-02670-MMD-VCF

**DEFENDANTS' UNOPPOSED
MOTION FOR EXTENSION OF TIME
TO RESPOND TO PLAINTIFF'S
SECOND AMENDED COMPLAINT**

(First Request)

19
20 Defendants Sheryl Foster, Patrick Vejar, and Jo Gentry, by and through counsel,
21 Aaron D. Ford, Nevada Attorney General, and Jared M. Frost, Senior Deputy Attorney
22 General, hereby request a thirty (30) day extension of time to respond to Plaintiff's Second
23 Amended Complaint filed December 4, 2019 (ECF No. 75). Defendants' extension request
24 is made and based on the following memorandum of points and authorities, the pleadings
25 and papers on file herein, and any other evidence the Court deems appropriate to consider.

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. BACKGROUND**

3 This is a prisoner civil rights action. Plaintiff filed her original Complaint on
4 October 16, 2017. ECF No. 1-1.

5 On September 5, 2018, the Court issued its Screening Order. ECF No. 3.

6 On November 16, 2018, the parties participated in a mediation conference that did
7 not result in settlement. ECF No. 7.

8 On March 22, 2019, Plaintiff filed an Amended Complaint ECF No. 27.

9 On April 1, 2019, Defendants Foster and Vejar filed a Motion to Dismiss Plaintiff's
10 Amended Complaint. ECF No. 32.

11 On April 16, 2019, Defendant Gentry filed a Joinder to the Motion to Dismiss
12 Plaintiff's Amended Complaint. ECF No. 35.

13 On June 21, 2019, the Court issued its Discovery Plan and Scheduling Order. ECF
14 No. 44.

15 On August 16, 2019, Defendant filed a Motion to Stay Discovery. ECF No. 46.

16 On September 16, 2019, Plaintiff a motion to file a second-amended complaint. ECF
17 No. 53.

18 On September 27, 2019, Plaintiff filed a motion requesting appointment of counsel.
19 ECF No. 57.

20 On October 16, 2019, the Court granted Defendants' motion to stay discovery. ECF
21 No. 61.

22 On December 4, 2019, the Court granted Plaintiff's motion to file a second-amended
23 complaint and denied Defendants' motion to dismiss as moot. ECF No. 74.

24 Defendants' request for a thirty (30) day extension of time to respond to the second-
25 amended complaint follows.

26 **II. APPLICABLE LAW**

27 Pursuant to Federal Rule of Civil Procedure 6(b)(1)(A), the Court may extend the
28 time to perform an act within a specified time for good cause shown.

1 **III. ARGUMENT**

2 Defendants submit that their request for additional time to respond to the second-
3 amended complaint is supported by good cause. Since this Court denied Defendants' motion
4 to dismiss and filed the second-amended complaint on December 4, defense counsel has
5 contacted Defendants and requested a call back to discuss their response. Exhibit 1
6 (Declaration of Counsel). However, additional time is needed to confer with all Defendants
7 and to complete a response. *Id.* Furthermore, defense counsel is scheduled to be out of the
8 office from December 24, 2019, through January 1, 2020, and Plaintiff does not oppose the
9 extension request. *See id.* Consequently, the Court should grant Defendants' request for an
10 additional thirty (30) days to respond to the second-amended complaint.

11 **IV. CONCLUSION**

12 DATED this 18th day of December, 2019.

13 AARON D. FORD
14 Attorney General

15 By: /s/ Jared M. Frost
16 JARED M. FROST (Bar No. 11132)
17 Senior Deputy Attorney General

18 *Attorneys for Defendant Sheryl Foster,*
19 *Patrick Vejar, and Jo Gentry*

20 **ORDER**

21 **IT IS SO ORDERED.** Defendants shall file their Response to Plaintiff's Second-
22 Amended Complaint (ECF No. 75) on or before January 17, 2020.

23 Dated this 18th day of December, 2019.

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25 UNITED STATES MAGISTRATE JUDGE
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Elizabeth Carley, #1095997
 Florence McClure Women's Correctional Center
 4370 Smiley Road
 Las Vegas, Nevada 89115
Plaintiff, Pro Se

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EXHIBIT 1

Declaration of Counsel

EXHIBIT 1

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Case No. 2:17-cv-02670-MMD-VCF

DECLARATION OF COUNSEL

19
20 I, JARED M. FROST, hereby declare, based on personal knowledge and/or information
21 and belief, that the following assertions are true:

22 1. I am a Senior Deputy Attorney General employed by the Nevada Attorney
23 General in the Litigation Division, and I make this declaration in support of Defendants'
24 Unopposed Motion for Extension of Time to Respond to Plaintiff's Second Amended
25 Complaint.

26 2. Since this Court denied Defendants' motion to dismiss and filed the second-
27 amended complaint on December 4, I have contacted Defendants and requested a call back

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1 to discuss their response. However, additional time is needed to confer with all Defendants
2 and to complete a response.

3 3. Furthermore, I am scheduled to be out of the office from December 24, 2019,
4 through January 1, 2020, on planned annual leave.

5 4. On December 17, 2019, I spoke with Plaintiff by phone and asked if she
6 opposed Defendants' extension request. Plaintiff confirmed that she did not oppose the
7 request.

8 5. This request is made in good faith and not for the purpose of delay.

9 Pursuant to 28 U.S.C. section 1746 Declarant certifies, under penalty of perjury, that
10 the foregoing is true and correct.

11 DATED this 18th day of December, 2019.

12 AARON D. FORD
13 Attorney General

14 By: /s/ Jared M. Frost
15 JARED M. FROST (Bar No. 11132)
16 Senior Deputy Attorney General

17 *Attorneys for Defendant Sheryl Foster,*
18 *Patrick Vejar, and Jo Gentry*
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